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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/621,136	07/16/2003	Joseph L. Ioime	IOJ-0001	1968
7590	10/18/2004		EXAMINER	
James J. Merrick Cantor Colburn LLP 55 Griffin Road South Bloomfield, CT 06002			HOESLY, RYAN C	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,136

Applicant(s)

IOIME, JOSEPH L.

Examiner

Ryan C. Hoesly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to because the Brief Description of the Drawings in the Specification state that "Figure 1B is a side view of the golfing accessory of Figure 1A with a clip assembly," however, Figure 1B does not show a clip assembly.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 11 is objected to because of the following informalities: it states, "a clip non-movably associated with aid ball retainer." It is assumed that the word "aid" is

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supposed to be "said" for the purposes of the first examination. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6, 8, 9, 10, 11, 12, 13, 16, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang (US Patent Number 6193120). Chang teaches a waist-secured golf ball retainer, which includes a ball retainer (30) configured to retain at least one golf ball, a tee holder (43) configured to hold at least one tee, a ball marker holder (42) configured to hold at least one ball marker, and an attachment device (40) configured to releasably secure ball retainer to at least one of a golfer and an object associated with the game of golf. With regards to claim 6, the ball marker holder is non-movably associated with the ball retainer and includes a holder top and a holder lip (421) disposed relative to the ball retainer so as to define a marker cavity. With regards to claims 8 and 9, the tee holder defines a tee cavity that is non-movably associated with the ball retainer and is configured to releasably retain a plurality of varying shaped golf tees. With regards to claims 10, 11, and 18, the attachment device is non-movably associated with the ball retainer including an attachment base, an attachment member, and an attachment arm where the attachment base is springingly associated with the attachment member via the attachment arm, and the clip is

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configured to releasably couple with one of a belt, a pocket, a wrist band, and an object associated with the game of golf. With regards to claim 12 and 19, Chang claims in claim 1 (column 4, line 43) the ball retainer made of a hard, elastic material, which includes plastic among others. With regards to claim 13, the preferred embodiment for the Chang retainers is cylinders having an open end configured to receive a golf ball therethrough and a closed opposite end to retain the golf balls in the cylinder. With regards to claim 16, Chang discloses an aperture (31) on the closed end configured to allow manipulation of the golf ball in the cylinder, while retaining the golf ball in the cylinder.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3, 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison (US Patent Number 6168061) in view of Tardif et al (US Patent Number D454381). Harrison teaches a golf ball holder, which includes a golf ball retainer (19), a tee retainer (25), a ball marker retainer (30) and an attachment means (13). The tee retainer is at one end of the accessory and the ball marker is disposed between the pair of retainers. The ball marker holder is capable of being configured to retain a ball marker in many ways, but the preferred embodiment of the Harrison device is with a hook and loop type material fastener.

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7. Tardif teaches a golf ball holder that has multiple ball retainers. Tardif discloses a ball retainer, which includes a retainer top, defining a top cavity, and a retainer bottom, defining a bottom cavity, separated by an area that is the ball cavity. The top and bottom retainers are substantially parallel from all angles with respect to one another. Tardif also discloses a device with at least two retainer tops and corresponding retainer bottoms, each defining a separate ball cavity configured to frictionally receive a separate golf ball.

8. Many methods of attachment for a golf ball to an accessory clip are known in the art. For example, there are cups as in the Harrison device, sleeves, springs, wires, and retainer tops and bottoms as in the Tardif device. These devices all are capable of providing the same function of securing a golf ball, therefore, it would have been obvious to one skilled in the art at the time of invention to modify the Harrison device by replacing the cup retainers with top and bottom retaining devices as in the technology of Tardif.

9. Claims 13, 14, 15, 16, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by deLong (US Patent Number D448555). deLong teaches a holder for golf balls, golf tees, and ball markers that includes a cylinder having an open end configured to receive a golf ball therethrough and a closed opposite end to retain golf balls in the cylinder. The cylinder further has a slot configured along a length defining the length of the cylinder and configured to allow manipulation of the golf ball in the cylinder with a finger. The cylinder is of a length that is suitable for two golf balls and the bottom has an aperture configured to allow manipulation of the golf ball in the cylinder while

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retaining the golf ball in the cylinder. The deLong device has a clip integrally extending from the ball retainer opposite the cylinder where it is configured to releasably couple with one of a belt, a pocket, a waist band, and an object associated with the game of golf. The device is also best suited to be made out of plastic.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison as applied to claims 2, 3, 4, 5, and 7 above, and further in view of deLong. There is a ball marker slot and a tee slot on either side of the golf ball cylinder, however, if it were necessary to know exactly where to reach for a ball marker or a tee, it would have been obvious to one skilled in the art at the time of invention to modify the deLong device in the technology of Harrison where the tee holders would be disposed on one side of the device and the ball marker holder disposed on the other.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art made of record can be found in the Notice of References Cited (PTO Form-892).

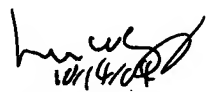
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan C. Hoesly whose telephone number is (703) 305-0576. The examiner can normally be reached on Monday-Thursday 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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